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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,061	03/15/2004	Gordon W. Duff	24299-508-CON3	4104
30623 7590 08/02/2007 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER MYERS, CARLA J	
			ART UNIT	PAPER NUMBER
			1634	
			MAIL DATE	DELIVERY MODE
			08/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10802061	3/15/04	DUFF ET AL.	24299-508-CON3

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

**EXAMINER**

Carla Myers

ART UNIT	PAPER
1634	20070718

DATE MAILED:

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**Commissioner for Patents**

The amendment filed on May 14, 2007 canceling all subject matter drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims do not read on the elected invention for the following reasons:

In the response of October 16, 2006, Applicants elected the invention of "Group I" and particularly elected the subject matter of the -511 IL-1B marker.

As set forth in the non-final Office action of November 13, 2006, the claims were examined only to the extent that they read on the elected invention of kits comprising a means for the detection of the -511 marker of IL-1B. The subject matter of the additional alleles set forth in previously pending claims 1, 3, 5 and 17 were withdrawn from consideration as being drawn to a non-elected invention. In the Office action of November 13, 2006, it was specifically stated that claim 2, drawn to a kit containing a means to detect 2 or more of the recited alleles, was also withdrawn from consideration as being drawn to a non-elected invention.

The Office action of November 13, 2006 clearly addressed the fact that the restriction requirement required Applicant to elect one or a specific combination of alleles (see groups 19-153 set forth on page 3 of the Office action of June 14, 2006). In response, Applicant elected the single allele of -511 IL-1B. Applicant did NOT elect a combination of alleles, and particularly did not elect the combination of alleles of -511 IL-1B and one or more or each of the additional alleles recited in claims 1 and 5.

In view of the amendment of May 14, 2007, all of the remaining claims is directed to a non-elected invention.

Art Unit: 1634

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carla Myers whose telephone number is 571-272-0747. The examiner can normally be reached on Monday-Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carla Myers/

Primary Examiner, Art Unit 1634